

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT EUGENE MORRIS,

Defendant.

Case No. 2:08-CR-0229-KJD-PAL

ORDER

Currently before the Court is Defendant's Motion to Dismiss Indictment (#18), filed November 24, 2008. The Government filed a Response (#20), on December 5, 2008, to which Defendant filed a Reply (#24), on December 30, 2008. On February 27, 2009, Magistrate Judge Peggy A. Leen issued a Report and Recommendation (#29), recommending that Defendant's Motion be denied. Pursuant to LR IB 3-2, a party wishing to object to the findings and recommendations of a magistrate judge must file and serve specific written objections together with points and authorities in support thereof, within ten (10) days of the date of service of the findings and recommendations. To date, Defendant has failed to file any points and authorities in objection to the Magistrate Judge's Report and Recommendation.

The Court has reviewed Defendant's Motion, together with the Response and Reply, and hereby accepts the Magistrate Judge's Report and Recommendation.


1 Specifically, the Court has made a *de novo* determination regarding the Defendant's Motion
2 to Dismiss, and adopts the Magistrate Judge's findings in whole. The Court accepts the Magistrate
3 Judge's finding that Nevada's failure to implement a Sex Offender Registration and Notification Act
4 ("SORNA") compliant registration system does not preclude his prosecution for failing to register as
5 a sex offender under SORNA, and that Morris's prosecution for a violation of 18 U.S.C. § 2250(a)
6 does not deprive Morris of his due process rights to fair notice. (See R&R at 15–16.) The
7 Magistrate Judge also found that SORNA is a valid exercise of Congress' Commerce Clause power;
8 that SORNA does not violate the *Ex Post Facto* Clause of the Constitution; that Morris's
9 retroactivity claim fails as does his argument that SORNA violates the non-delegation doctrine.
10 Additionally, the Magistrate Judge found that the Attorney General did not violate the Administrative
11 Procedure Act when promulgating an interim rule without prior notice or comment, that § 2250 does
12 not violate the Tenth Amendment, nor unconstitutionally restrict Defendant's right to interstate
13 travel.

14 Therefore, having examined the Defendant's Motion, the Response and Reply, together with
15 the Magistrate Judge's Report and Recommendation, the Court adopts the Report and
16 Recommendation of the Magistrate Judge in full.

17 Accordingly, **IT IS HEREBY ORDERED** that the Magistrate Judge's Report and
18 Recommendation is accepted and adopted in whole.

19 **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss Indictment (#18) is
20 **DENIED.**

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22 **DATED** this 18th day of March 2009.

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Kent J. Dawson
United States District Judge